

REMARKS

Claim 62 is amended. Claims 57-75 and 78-96 are in the application for consideration.

Claim 62, and thereby those depending therefrom, stand rejected as being indefinite. The Examiner alleges that it is unclear what is received within the common cross-section, and how a gate, a dielectric layer, source/drain regions and a channel region can be received within a cross-section. Claim 62 is amended towards overcoming the Examiner's rejection. To the extent the Examiner's rejection in this regard was an assertion that the stated components had to entirely lie within the stated common cross-section, such was not an inherent limitation in Applicant's last submitted claim 62.

Regardless, claim 62 has been amended to clarify that the gate semiconductive material, conductively doped with a conductivity enhancing impurity of a first type, the conductive diffusion barrier layer material, the gate dielectric layer, the source/drain regions and the channel region comprise respective cross-sectional portions which are received within a common cross-section. Claim 62 is also amended to recite that the contact structure includes a portion which is received within the stated common cross-section. Accordingly, claim 62 is amended to clearly emphasize that only portions of the stated components are received within the common cross-section, and that it is effectively those portions to which claim 62 refers. Such is clearly supported in Applicant's application.

For example, Fig. 4 depicts a single or common cross-section on the plane of the page within which the various structures identified above are received. Modifying the Pfiester structure in a manner which the Applicant proposes in the recited common cross-section of the various device portions of Fig. 7 of Pfiester would clearly render that device inoperative by extending the contact structure through its channel region. Accordingly, even accepting the Examiner's apparent assertion that a person of skill in the art would know better than to create an inoperable device, they would not do so within the common cross-section depicted in Fig. 7 of Pfiester. MPEP §2143.01 applies, and the rejection of amended claim 62 over the cited references should be withdrawn. Action to that end is requested. Claim 62 is also amended to recite that the conductive diffusion barrier layer comprises at least one of a metal and a metal compound.

The Examiner is reminded that, pursuant to MPEP §2143.01, with respect to modifications, the prior art must suggest or motivate modifications to a teaching in a reference. Further, any proposed modification cannot render the prior art unsatisfactory for its intended purpose, or change the principle of operation of a reference. (MPEP §2143.01).

There simply is no teaching or suggestion within Pfiester of modifying it in a manner which Applicant recites in its claims, and doing so would render such teaching unsatisfactory for its intended purpose by either destroying the device or changing the principle of operation of the device. Thus, there is no motivation or suggestion of making a modification within

the stated common cross-section of Applicant's claim 62, such a proposed modification would be in violation of MPEP §2143.01, and accordingly, the obviousness rejection should be withdrawn. Action to that end is requested.

Applicant's dependent claims should be allowed as depending from allowable base claims, and for their own recited features which are neither shown nor suggested in the cited art, for example as has been previously asserted.

The undersigned appreciates the Examiner's review and initialing of the prior art listed on a Form PTO-1449 submitted in a Supplemental Disclosure Statement (SIDS) on May 8, 2003. However, the undersigned also submitted another SIDS on August 20, 2003, but no initialed Form PTO-1449 was included in the last Office Action. A duplicate copy of that Form PTO-1449 is attached. In addition, another SIDS is submitted herewith.

This application is believed to be in immediate condition for allowance, and action to that end is requested

Respectfully submitted,

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By: 
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